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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,761	09/12/2003	Yasuyuki Watanabe	031139	5998

23850 7590 02/23/2005

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EXAMINER

GILLIAM, BARBARA LEE

ART UNIT	PAPER NUMBER
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1752

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/660,761

Applicant(s)

WATANABE ET AL.

Examiner

Barbara L. Gilliam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/12/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.
2. Claims 1-8 are present.
3. Claims 3-7 are product-by-process claims. Applicant is reminded of MPEP 2113.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by

Neubauer et al. (US 5,328,797).

a. Neubauer et al. teach a process for producing a negative working photosensitive lithographic printing form in which a negative working photosensitive mixture comprises a polymeric binder which is insoluble in water but soluble in aqueous alkaline solution. The photosensitive mixture is dissolved in a solvent, applied to a base

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and dried (abstract). The printing plates of both Examples 4 and 5 comprising electrolytically roughened and anodized aluminum supports and photopolymerizable layers containing methyl methacrylate and methacrylic acid copolymers, meet the present limitations for the heat-sensitive printing plate. There is no mention of the contact angles of the photosensitive layer of Neubauer et al. however, it is the Examiner's position, the photosensitive layer of Neubauer et al. inherently has contact angles consistent with the presently claimed heat-sensitive layer because it comprises a copolymer exemplified by Applicant. MPEP 2112.

6. Claims 1-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Watanabe et al. (US 6,509,133 B1).

a. The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

b. Watanabe et al. teach a lithographic printing plate comprising a substrate, a photosensitive layer comprising a composition containing a crosslinking agent, an aqueous dispersion of resin fine particles and an infrared absorber (abstract). In Example 1, a photosensitive composition comprising the acrylic resin fine particles of synthesis example 5 was used which is a copolymer of styrene, methyl methacrylate, acrylic acid and butyl methacrylate and has an acid value of 50.1 and a molecular weight

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of 18,000. Isopropyl alcohol was used to coat the photosensitive layer onto the aluminum support. After exposure to near infrared radiation a semiconductor laser, the plate was developed (column 19, lines 10-25; column 20, lines 10-28; column 22, line 65 – column 23, line 38). The printing plate of Example 1 meets the present limitations for the presently claimed printing plate. There is no mention of the contact angles of the photosensitive layer of Watanabe et al. however, it is the Examiner's position, the photosensitive layer of Watanabe et al. inherently has contact angles consistent with the presently claimed heat-sensitive layer because it comprises a copolymer exemplified by Applicant. MPEP 2112.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

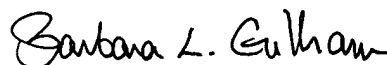
a. In US 5,278,126, Katano et al. teach a recording process wherein the surface of the contact material has a receding contact angle that becomes smaller when the recording medium is brought into contact with a liquid and is in a heated status (abstract).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara L. Gilliam whose telephone number is 571-272-1330. The examiner can normally be reached on Monday through Thursday, 8:00 AM - 5:30 PM.

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a. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

b. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Barbara L. Gilliam
Primary Examiner
Art Unit 1752

bg
February 18, 2005